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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/673,210	09/30/2003	Kang Soo Seo	1740-000059US	9596

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HARNESSE, DICKEY & PIERCE, P.L.C.
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EXAMINER

ZHAO, DAQUAN

ART UNIT	PAPER NUMBER
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2621

MAIL DATE	DELIVERY MODE
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06/13/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/673,210	Applicant(s) SEO ET AL.	
	Examiner DAQUAN ZHAO	Art Unit 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 April 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,8-11,13,16,19,22 and 24-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,8-11,13,16,19,22 and 24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4/24/2008 has been entered.

Response to Arguments

2. Applicant's arguments filed 4/24/2008 have been fully considered but they are not persuasive.

3. on page 9, applicant argues, the amended claims overcomes the 35 U.S.C. § 101 rejection. The examiner disagrees.

4. The "data structure" of claim 1 does not meet the definition of IEEE. The definition of "data structure" is "a physical or logical relationship among data elements, designed to support specific data manipulation functions. There is no physical or logical relationship among the claimed data element (graphic segment includes plurality of TS packets) and there's no teaching in the claimed that these data element is designed to support specific data manipulation functions.

5. The examiner considers "...for managing reproduction of graphic data by a reproduction" as a intended use claim, which do not always permit " managing reproduction of graphic data by a reproduction" to be realized.

6. Other arguments are moot in view of new grounds of rejection.

Claim Rejections - 35 USC § 101

7. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1, 3 and 24 are rejected under 35 U.S.C. 101 because

For claims 1, 3 and 24, considering the claim as “functional descriptive material” imparts with functionality, but not being employed as a computer component (or other physical structures), is considered not statutory. “In contrast, a claimed computer-readable medium encoded with a computer program... is thus statutory.” (See “*Interim Guideline for Examination of Patent Application for Patent Subject Matter Eligibility*”, ANNEX IV, Page 53, First Paragraph;).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1, 3, 8, 9, 10, 11, 13, 16, 19, 22 rejected under 35 U.S.C. 103(a) as being unpatentable over Seo et al (US 2002/0,006,273 A1), further in view of Kim et al (US 7,072,401 B2) and further in view of Ando et al (EP 1,021,048 A2).

10. **Regarding claim 1**, Seo et al teach a recording medium having a data structure for managing reproduction of graphic data, comprising: a data area storing one or more graphic segments, each of which includes graphic data, multiplied with other data, and 1 each graphic segment including a plurality of transport packets (e.g. paragraph [0028]-[0032] and figures 3 and 4, the HD pack in figure 4 is considered to be the graphic segments recited in claim 1, wherein the sub-picture, corresponding to the graphic data, is recorded on the disk either separated or multiplexed from/with the A/V data; a series of transport packets are contained in the HD pack); graphic information for managing reproduction of graphic images (the TP header includes a PCR is considered to be the graphic information for managing reproduction of graphic images (see figure 4, figure 5, paragraph [0035]-[0036])).

Seo et al fail to teach each transport packet in a graphic segment has a same packet identifier (PID); at least one transport packet in the graphic segment includes an identifier that the transport packet is part of a graphics packet; another at least one transport packet in the graphic segment includes an arrival time stamp of the graphic image.

Kim et al teach each transport packet in a graphic segment has a same packet identifier (PID) (e.g. column 2, lines 51-59). It would have been obvious for one ordinary skill in the art at the time the invention was made to incorporate the teaching of Kim et al into the teaching of Seo et al to increase the ability of the system to correct error.

However, Seo et al and Kim et al fail to teach at least one transport packet in the graphic segment includes an identifier that the transport packet is part of a graphics packet; another at least one transport packet in the graphic segment includes an arrival time stamp of the graphic image. Ando et al teach at least one transport packet in the graphic segment includes an identifier that the transport packet is part of a graphics packet (e.g. para. 51-52 and 71-76 and figure 5, if the examiner considers the "transport packet" as the claimed graphics packet, the packet ID=0xbd meets the claimed limitation because the ID identifies the packet is part of itself; the continuous packet flag also meets the claim limitation because the TS packet extends across next packet); another at least one transport packet in the graphic segment includes an arrival time stamp of the graphic image (e.g. figures 2-3, para 53). It would have been obvious to one ordinary skill in the art at the time the invention was made to incorporate the teaching of Ando et al into the teaching of Seo et al and Kim et al to increase the system efficiency (Ando et al, para 1).

Claims 8 and 10 are rejected for the same reasons as discussed in claim 1 above.

Claim 9 is rejected for the same reasons as discussed in claim 1 above, wherein Seo et al an optical reproducing device and a controller (see figure 5, device 300 and controller 37).

Claim 11 is rejected for the same reasons as discussed in claim 1 above, wherein figure 14 device 87 corresponds to an encoder and figure 13 teach multiple reproduction path video (Path 1: figure 13 a; path 2: figure 13c).

For claims 3, 13, 16, 19 and 22, Seo et al teach the other data includes at least one of movie data, audio data and still picture data (para 9).

11. Claims 24-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seo et al (US 2002/0,006,273 A1), Kim et al (US 7,072,401 B2) and Ando et al (EP 1,021,048 A2), as applied to claims 1, 3, 8, 9, 10, 11, 13, 16, 19, 22 above, and further in view of Kikuchi et al (US 6,553,180 B1).

For claims 24-28, Seo et al, Kim et al and Ando et al fail to teach graphic information includes information on position to display the graphic images, presentation time to display the graphic images, and duration to display the graphic images. Kikuchi et al teach graphic information includes information on position to display the graphic images (e.g. column 22, line 2), presentation time to display the graphic images (e.g. column 17, line 7), and duration to display the graphic images (e.g. column 25, lines 5-6). It would have been obvious to one ordinary skill in the art at the time the invention was made to incorporate the teaching of Kikuchi et al into the teaching of Seo et al, Kim et al and Ando et al to increase the system efficiency.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daquan Zhao whose telephone number is (571) 270-1119. The examiner can normally be reached on M-Fri. 7:30 -5, alt Fri. off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tran Thai Q, can be reached on (571)272-7382. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Daquan Zhao/
Examiner, Art Unit 2621
Daquan Zhao

/Thai Tran/
Supervisory Patent Examiner, Art Unit 2621

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